

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 08 CR 122-4
v.)	
)	Hon. Harry D. Leinenweber
DEVON TYLER,)	

**DEFENDANT DEVON TYLER'S MOTION FOR AN ORDER
REQUIRING THE GOVERNMENT TO GIVE NOTICE OF ITS
INTENTION TO USE OTHER CRIMES, WRONGS OR ACTS EVIDENCE**

Defendant, DEVON TYLER, by his attorney, GREGORY T. MITCHELL, moves this Honorable Court, pursuant to Federal Rule of Criminal Procedure 12(d)(2), and Federal Rules of Evidence 104(a) and (c), for an order requiring the government to give notice of its intention to utilize the following during its case-in-chief, during cross-examination or in its rebuttal case:

1. Evidence of "other crimes, wrongs, or acts" of the defendant, as that phrase is used in Federal Rule of Evidence 404 (b).

(a) In regard to said notice, the government should identify and describe:

- (i) The dates, times, places and persons involved in said other crimes, wrongs, or acts;
- (ii) The statements of each participant in said other crimes, wrongs or acts;
- (iii) The documents which contain evidence of other crimes, wrongs, or acts, including when the documents were

prepared, who prepared the documents and who has possession of the documents;

(iv) Copies of audio and/or video recordings of those crimes, wrongs, or acts; and

(v) The issue or issues on which the government believes said other crimes, wrongs or acts evidence is relevant within Federal Rule of Evidence 404(b).

2. Evidence of “specific instances of conduct” of this defendant, as that phrase is used in Federal Rule of Evidence 608(b).

(a) In regard to said notice, the government should identify and describe:

(i) The dates, times, places and persons involved in said specific acts of misconduct;

(ii) The statements of each participant in said specific acts of misconduct; and

(iii) The documents which contain evidence of said specific acts of misconduct, including when the documents were prepared, who prepared the documents and who has possession of the documents.

3. For purposes of continuing disclosure and to put the government on specific notice, defendant requests this Court enter an order directing the government to disclose the above requested information at least four weeks prior to trial to allow defendant an adequate opportunity to investigate and respond to this evidence.

Respectfully submitted,

/s/Gregory T. Mitchell

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